

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**July 17, 2006**

**MISC. ORDER 2006-008**

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on July 21, 2006, or until his return. (See Cal, Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.  
SCOTLAND, P.J.

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Sims, Associate Justice; and Facey, bailiff.

**C049798      DELTA KEEPER v. OAKDALE IRRIGATION DISTRICT et al.  
DELTA KEEPER etc., et al. v. MERCED IRRIGATION DISTRICT et al. and  
BOEL, as Acting Director etc., et al.**

Cause called. Ellison Folk argued for plaintiff-appellant. Stephen L. Kostka argued for defendants appellants cross-respondents. Marc R. Breuner argued for defendants cross-respondents. Lisa Frankley, Deputy Attorney General, argued for defendants cross-respondents. Tim O'Laughlin argued for defendants respondents. Cause submitted.

At 10:41 a.m., the court recessed. At 10:43 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C049676      EMULTECH v. CRENSHAW**

Cause called. Stewart Altemus argued for appellant. Robert A. Rehberg argued for respondent. Cause submitted.

At 11:07 a.m., the court recessed. At 11:10 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C049527      ENVIRONMENTAL COUNCIL OF SACRAMENTO et al. v. CITY OF  
SACRAMENTO et al. and ALLEGHANY PROPERTIES, INC. et al.**

Cause called. James B. Pachl argued for appellants. Andrew B. Sabey argued for respondents. Bruce Reeves, Deputy Attorney General, argued and Larry C. Larson appeared only for real parties in interest. Cause submitted.

At 11:36 a.m., the court recessed. At 11:37 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

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**July 17, 2006, continued**

**C049470      KREEGER et al. v. WANLAND, JR., et al.**

Cause called. Daniel V. Kohls argued for appellants. Alan W. Font argued for respondents. Cause submitted.

At 11:45 a.m., the court recessed. At 11:46 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

**C051646      JOHNSON v. THE SUPERIOR COURT OF SACRAMENTO and FADDOUL et al.**

Cause called. Steven M. McCarthy argued for petitioner. Danielle Miguard argued for real parties in interest. Cause submitted.

At 12:00 p.m. the court recessed. At 2:00 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C050558      THE PEOPLE v. AMERICAN BAIL BONDS et al.**

Cause called. Peter A. Galgani argued for appellants. John E. Reed, County Counsel, argued for respondent.

At 2:27 p.m., the court recessed until 9:30 a.m., Tuesday, July 18, 2006.

**C050058      THE PEOPLE v. RENNIE III**

The judgment is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Morrison, J.

**July 18, 2006**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Butz, Associate Justice; and Facey, bailiff.

**C048615      THE PEOPLE v. MAESTAS**

Cause called. Athena Shudde, court appointed counsel, argued for appellant. Robert Gezi, Deputy Attorney General, argued for respondent. The parties stipulated that Justice Nicholson would review by tape. Cause submitted.

At 10:02 a.m., the court recessed. At 10:04 a.m., the court reconvened with Sims, Associate Justice and Robie, Associate Justice.

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**July 18, 2006, continued**

**C049340      DAIMLERCHRYSLER MOTORS COMPANY et al. v. WILLIAMS, INC. et al.**

Cause called. Jay-Allen Eisen argued for appellants. Steven W. Kelso, argued for respondents. The parties stipulated that Justice Nicholson would review by tape. Cause submitted.

At 10:33 a.m., the court recessed. At 10:37 a.m., the court reconvened with Raye, Associate Justice and Butz, Associate Justice.

**C050065      WIRTH et al. v. STATE OF CALIFORNIA et al.**

Cause called. Michael A. Morguess argued for appellants. Wendy L. Ross, counsel for the Department of Personnel, argued for respondents. The parties stipulated that Justice Nicholson would review by tape. Cause submitted

At 11:02 a.m., the court recessed. At 11:08 a.m., the court reconvened with Morrison, Associate Justice and Butz, Associate Justice.

**C050224      BRV, INC. v. THE SUPERIOR COURT OF SISKIYOU COUNTY and  
DUNSMUIR JOINT UNION HIGH SCHOOL DISTRICT et al.**

Cause called. Walter P. McNeill argued for petitioner. John P. Kelly and Mark D. Norcross argued for real parties in interest. The parties stipulated that Justice Nicholson would review by tape. Cause submitted

At 11:40 a.m., the court recessed. At 2:01 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C049835      THE PEOPLE v. McVEY**

Cause called. William J. Capriola, court appointed counsel, argued for appellant. Michael Dolidia, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:22 p.m., the court recessed until 9:30 a.m., Wednesday, July, 19, 2006.

**C048285      THE PEOPLE v. CLARK IV      (Not for Publication)**

The judgment is affirmed.

BLEASE, J.

We Concur:    Scotland, P.J.  
                     Nicholson, J.

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- C049433      THE PEOPLE v. BATTAGLIA      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Raye, J.  
Cantil-Sakauye, J.
- C050754      THE PEOPLE v. PATTON      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed...  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C051011      THE PEOPLE v. HOLLAND      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Blease, Acting P.J.  
Morrison, J.
- C051233      THE PEOPLE v. STUART      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Davis, J.  
Nicholson, J.
- C051666      THE PEOPLE v. HARMON      (Not for Publication)**  
The trial court is directed to prepare an amended abstract of judgment...  
As amended, the judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Hull, Acting P.J.  
Butz, J.
- C051716      THE PEOPLE v. CRONK      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051737      THE PEOPLE v. COLLINS      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.

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**July 18, 2006, continued**

- C050902      GILMAN v. BABICH et al.      (Not for Publication)**  
The order awarding attorney fee and costs to Babich and the firm, as prevailing parties, is affirmed.  
SCOTLAND, P.J.  
We Concur: Davis, J.  
Nicholson, J.
- C051413      In re T.M.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. EDWARD M.      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C052301      In re B.L.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LATASHA L.      (Not for Publication)**  
The orders terminating parental rights are reversed and the matter is remanded for the limited purpose of re-noticing the tribes...  
BLEASE, Acting P.J.  
We Concur: Davis, J.  
Butz, J.

**July 19, 2006**

At 9:35 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Raye, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice; and Ellis, bailiff.

- C049783      RANCHO MURIETA AIRPORT, INC. v. COUNTY OF SACRAMENTO and DEPARTMENT OF TRANSPORTATION**  
Cause called. Krista C. Whitman, County Counsel, argued for appellant. Roy R. Girard argued for respondent. Raiyn Bain appeared only for real party in interest. Cause submitted.
- C049935      THE PEOPLE v. TORRES**  
Cause called. Raymond L. Brosterhous, II, Deputy Attorney General, argued for appellant. Rex A. Williams, court appointed counsel, argued for respondent. Cause submitted.
- C045690      THE PEOPLE v. LE et al.**  
Cause called. A.M. Weisman; Joan Isserlis; and Mark Greenberg, court appointed counsel, argued for appellants. Susan J. Orton, Deputy Attorney General, argued for respondent. Cause submitted.

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**July 19, 2006, continued**

At 11:42 a.m., the court recessed until 9:30 a.m., Monday, July 24, 2006.

- C049033      THE PEOPLE v. FEBRISSY      (Not for Publication)**  
The motion for judicial notice is denied. The judgment is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C049930      THE PEOPLE v. CLARK      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Scotland, P.J.  
Davis, J.
- C050397      THE PEOPLE v. COOK      (Not for Publication)**  
The trial court is directed to correct the abstract of judgment... The judgment, as modified, it affirmed.  
BUTZ, J.  
We Concur: Blease, Acting P.J.  
Davis, J.
- C050599      THE PEOPLE v. KNOWLES-BROWDER      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C049525      SAVE OUR NEIGHBORHOOD et al. v. LISHMAN, as Mayor, etc., et al. and  
MACKAY  
BY THE COURT:**  
Respondents' and real party in interest's petition for rehearing is denied.  
MORRISON, Acting P.J.

**July 20, 2006**

- C048237      THE PEOPLE v. RUSHTON      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Butz, J.

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**July 20, 2006, continued**

- C048825      THE PEOPLE v. CHANCE      (Certified for Publication)**  
Defendant's conviction for assault with a firearm on a peace officer is reversed. In all other respects, defendant's convictions are affirmed. The sentence is vacated, and the case is remanded for resentencing as explained in the opinion.  
SIMS, J.  
I concur:      Blease, Acting P.J.  
I concur in parts II, III, and IV of the Discussion, but respectfully dissent from part I.  
ROBIE, J.
- C049460      THE PEOPLE v. STOGSDILL      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:      Hull, Acting P.J.  
Butz, J.
- C049818      THE PEOPLE v. MURPHEY      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur:      Davis, J.  
Hull, J.
- C050410      THE PEOPLE v. COMBS      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, J.  
We Concur:      Scotland, P.J.  
Sims, J.
- C050707      THE PEOPLE v. CRUZ      (Not for Publication)**  
The order granting probation is affirmed.  
NICHOLSON, J.  
We Concur:      Sims, Acting P.J.  
Raye, J.
- C051412      THE PEOPLE v. SIEGLOCK      (Not for Publication)**  
The order granting probation is affirmed.  
NICHOLSON, J.  
We Concur:      Sims, Acting P.J.  
Raye, J.

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**July 21, 2006**

- C050759      THE PEOPLE v. ARCHULETA      (Not for Publication)**  
The judgment (order granting probation) is affirmed.  
DAVIS, Acting P.J.  
We Concur: Raye, J.  
Hull, J.
- C051028      THE PEOPLE v. WARD      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Butz, J.
- C051158      In re ADAM P., a Minor; BRIAN H. v. RALPH R. JR.      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur: Blease, Acting P.J.  
Davis, J.
- C051367      In re BRANDON B. et al.; PLACER COUNTY HEALTH AND HUMAN  
SERVICES ADMINISTRATION. v. ROSEMARY B. et al.      (Not for Publication)**  
The order of the juvenile court is affirmed.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C051972      In re C.J. et al.; EL DORADO COUNTY DEPARTMENT OF SOCIAL  
SERVICES v. LISA J.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
MORRISON, J.  
We Concur: Sims, Acting P.J.  
Raye, J.